

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ADIL SHAIFI, an individual,

Counter-Plaintiff,

vs

Case No. 09-10454
Hon. Victoria A. Roberts

BRAINTECH, INC.,

Counter-Defendant,

AND

ROBOTIC VISION TECHNOLOGIES, LLC, and
FREDERICK WEIDINGER, an individual,

Plaintiff

vs

Case No. 11-12909
Hon. Victoria A. Roberts

ADIL SHAIFI,

Defendant.

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL FOR DEFENDANT

NOW COMES Berry Moorman PC, attorney of record for Defendant Adil Shafi in this matter, and respectfully requests leave to withdraw as counsel under the provisions of Local Rule 83.30(a).

1. Case 09-10454 commenced on February 6, 2009 and 11-12909 commenced on July 5, 2011. Berry Moorman PC was retained to represent Adil Shafi at the commencement of both cases.

2. Berry Moorman PC has vigorously represented Mr. Shafi throughout the pendency of this case, including filing and defending numerous motions on Mr. Shafi's behalf.

3. The Michigan Rules of Professional Conduct describe the circumstances where a lawyer may withdraw from representation. MRPC 1.16(b) provides in relevant part:

[A] lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

(4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(6) other good cause for withdrawal exists.

4. Good cause exists to withdraw from representation where the client has caused a breakdown in the attorney-client relationship. *Ambrose v. The Detroit Edison Co*, 65 Mich. App. 484, 488 (1975); *Genrow v. Flynn*, 166 Mich. 564, 567-68 (1911) ("The relations between attorney and client are of a delicate and confidential nature. They should have faith in each other, and their relations should be such that they can cordially cooperate").

5. A breakdown in the attorney-client relationship has developed in this matter as to certain issues, such that Berry Moorman PC can no longer act as counsel for Mr. Shafi.

6. Mr. Shafi has failed to fulfill certain obligations to Berry Moorman PC, thus providing good cause for withdrawal.

7. After attempts to resolve these issues with Mr. Shafi, Berry Moorman PC notified him on March 14, 2012 that it intended to file a motion to withdraw, and advised Mr. Shafi to seek alternate representation.

8. Discovery is closed in case 09-10454.

9. Discovery cutoff in 11-12909 is June 15, 2012.

10. Dispositive Motions must be filed by July 31, 2012.

11. Subsequent to Berry Moorman PC's informing Mr. Shafi that it would be filing a motion to withdraw as counsel, Robotic Vision Technologies and Frederick Weidinger served its First Request for Production of Documents and Things to Adil Shafi.

12. Mr. Shafi will not be prejudiced by Berry Moorman PC's withdrawal.

13. However, it may be necessary to stay any responses to discovery, discovery deadlines, and/or dispositive motion deadlines in this matter, so as to allow Mr. Shafi time to obtain new counsel.

14. Therefore, Berry Moorman PC recommends that the Court require Mr. Shafi an additional 30 days, from the date of entry of this order, to find substitute counsel.

15. Concurrence in the relief requested was sought pursuant to LR 7.1(a) on April 25 and concurrence was *given* by both opposing counsels for Braintech Inc. and Robotic Vision Industries/Weidinger.

WHEREFORE, Berry Moorman PC requests that the Court grant it leave to withdraw as Mr. Shafi's counsel and grant Mr. Shafi an additional 30 days, from the date of entry of this order, to find substitute counsel.

Respectfully submitted,
/s/ Noah S. Hurwitz
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Noah S. Hurwitz (P74063)
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May 9, 2012

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**BRIEF IN SUPPORT OF BERRY MOORMAN PC'S
MOTION TO WITHDRAW AS COUNSEL FOR ADIL SHAIFI**

For its Brief in Support of Berry Moorman's Motion to Withdraw as Counsel for Adil Shafi, Berry Moorman PC relies upon MRPC 1.16, the pleadings on file with the Court, and the facts set forth in its motion.

Respectfully submitted,

/s/ Noah S. Hurwitz
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Dated May 9, 2012

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/EMF system, which will send notification of such filing (NEF) to the following:

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